

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HUNG PHUOC NGUYEN,

Petitioner, No. 2:02-cv-2758 LKK JFM (HC)

vs.

MIKE KNOWLES, et al.,

Respondents. ORDER

_____/ Petitioner, a state prisoner proceeding through counsel, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 3, 2010, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. After receiving an extension of time, both parties have filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed August 3, 2010, are adopted in full;

4 2. Petitioner's application for a writ of habeas corpus is granted as to the sentence

5 imposed following his conviction; and

6 3. The State of California is granted a period of thirty days in which to elect to
7 retry petitioner or to resentence him.

8 DATED: September 16, 2010.

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11 LAWRENCE K. KARLTON
12 SENIOR JUDGE
13 UNITED STATES DISTRICT COURT
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